

John Boehner
Chairman
8th District, Ohio

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:

H.Res. 168—Implementing the Recommendations of the House Ethics Reform Task Force



H.Res. 168—Implementing the Recommendations of the House Ethics Reform Task Force

Floor Situation: The House is scheduled to consider H.Res. 168 as its only order of business today. Yesterday, the Rules Committee granted a modified-closed rule that provides one hour of general debate, equally divided between Mr. Livingston and Mr. Cardin. In addition, the rule makes in order four amendments, debatable in the order listed and for the amount of time specified below. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.Res. 168 implements the House Ethics Reform Task Force's recommendations to change the rules of the House and the Ethics Committee (officially called the House Committee on Standards and Official Conduct). The resolution (1) modifies the system for filing ethics complaints; (2) improves procedures for providing due process to members, officers, and employees; (3) expands subcommittee investigative powers; (4) strengthens the confidentiality environment of the committee; (5) increases member involvement in the ethics process; and (6) contains measures to ensure the timely resolution of matters before the committee.

Specifically, the resolution:

- * abolishes the three-member refusal rule as a prerequisite for "direct" filing of a complaint by non-members;
- * allows non-members to directly file a complaint with the Ethics Committee, but requires the filer to have "personal knowledge" of the transgression;
- * allows a subcommittee to issue subpoenas and expand the scope of its investigation by a majority vote of the members of that subcommittee without the approval of the full committee;

- * establishes a 20-person “pool” of members (10 Republicans and 10 Democrats) to supplement Ethics Committee membership as potential appointees to investigative subcommittees;
- * establishes a number of measures to improve due process for the respondents to complaints, such as requiring that respondents be provided a draft of the Statement of Alleged Violation (SAV), and all of the evidence the investigative subcommittee intends to introduce to prove it, prior to the subcommittee’s vote to adopt the SAV; and
- * allows the chairman and ranking minority member to jointly establish an investigative subcommittee without a vote by the full committee if they agree that a complaint merits an investigative subcommittee (thereby eliminating the current threshold for the establishment of an investigative subcommittee, where the full committee, by a majority vote of its members, must first determine that allegations “merit further inquiry.”)

The resolution was introduced by Mr. Livingston; the Ethics Reform Task Force adopted the resolution by a vote of 8-1 on June 17, 1997.

Views: An official position of the Republican leadership was unavailable at press time. Unofficially, however, several members of the leadership have expressed support for the proposed amendments to the reform package.

Amendments: As stated above, the rule makes in order the following four amendments, each debatable in the order listed and for the amount of time specified below:

Mr. Livingston and Mr. Cardin may offer a managers amendment, debatable for 10 minutes, to apply the rules specified in H.Res. 168 to all complaints filed during this or any subsequent Congress. The amendment is intended to clear up any confusion regarding complaints filed before or after the ethics moratorium. *Staff Contact: Stanley Stocki (Livingston), x5-3015*

Mr. Murtha and Mr. Tauzin may offer an amendment, debatable for 30 minutes, to require that a member of the House sponsor the complaint of an outside group before the complaint can be officially filed. H.Res. 168 currently allows non-members to file ethics complaints directly to the committee, if the filer has “personal knowledge” of the transgression. Proponents of the amendment argue that the resolution currently elevates non-member access to the ethics system and contend that the “personal knowledge” standard is too broad and still allows complaints to be filed based on hearsay and not actual “personal knowledge.” Opponents of the amendment counter that allowing non-members to file directly with the committee will increase public confidence in the ethics process and eradicate the perception that the process is designed to insulate House members from legitimate allegations of misconduct by outsiders. *Staff Contact: Debbie Tekavec (Murtha), x5-2065*

Mr. Tauzin and Mr. Murtha may offer an amendment, debatable for 30 minutes, to dismiss a complaint after 180 days if the committee is deadlocked and a motion to establish an investigative subcommittee does not prevail. The amendment also requires the Ethics Committee to notify the complainant and respondent of their action to dismiss the complaint. Proponents of the amendment are concerned that the task force did not specifically deal with how to resolve or dispose of a complaint when the committee is deadlocked. They believe that, in the absence of a bipartisan,

majority vote of the committee to proceed to an investigation, the committee should dismiss the complaint without prejudice, thus retaining the member's presumption of innocence. Opponents of the amendment argue that the current system of requiring a majority vote to proceed with or dismiss a complaint encourages bipartisan cooperation and that dismissing complaints in the case of a deadlock will encourage partisanship. **Staff Contact: Mimi Simoneaux (Tauzin), x5-4031**

Mr. Bunning and Mr. Abercrombie may offer an amendment, debatable for 30 minutes, to require a majority vote of full committee members in order for an investigative subcommittee to expand the scope of its investigation. The amendment also requires the subcommittee to obtain the approval of the full committee chairman and ranking member in order to issue subpoenas. The resolution currently allows a subcommittee to issue subpoenas and expand the scope of its investigation without the approval of the full committee. The task force sought to ensure the integrity of each investigation by separating the work of subcommittee members who investigate the complaint from other committee members who must judge the results of the investigation. Proponents of the amendment contend that the full committee, especially the chairman and ranking member, must have a proper and legitimate oversight role to ensure that subcommittee members do not act unilaterally outside the will of the full committee. **Staff Contact: Jon Deuser (Bunning), x5-3465**

Additional Information: See *Legislative Digest*, Vol. XXVI, #25, September 12, 1997.



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Alert!

Please attach the text of the amendment (if available) and fax to the *Legislative Digest* at x5-7298

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Member Sponsoring Amendment: _____ Bill #: _____

Additional Co-sponsors (if any): _____

Staff Contact: _____ Phone #: _____ Evening Phone #: _____

Description of the amendment: _____

(Please include any additional or contextual information)

Reason for offering amendment (e.g., How will this change the bill or current law? Why should members support this change?): _____

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